UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/SR.3
26 March 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 23 March 1999, at 3 p.m.

Chairman: Mrs. ANDERSON (Ireland)

CONTENTS

STATEMENT BY THE DEPUTY PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF YEMEN

ORGANIZATION OF THE WORK OF THE SESSION (continued)

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.99-11641 (E)

The meeting was called to order at 3 p.m.

STATEMENT BY THE DEPUTY PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF YEMEN

1. Mr. BAJAMAL (Republic of Yemen) said that his presence in the meeting expressed the importance his country attached to promoting human rights and ensuring that all human beings had the right to a decent and safe life. That was only possible if all rights were guaranteed, including freedom of thought and expression and the right to work.

2. Human rights principles had sometimes been misused by political alliances, with counterproductive results. Human rights reports were sometimes selective and intentionally distorted, ignored criteria of justice and equal treatment and failed to provide appropriate guidance. Such reports had become a means of exerting political pressure and spreading slander. When human rights were under consideration, it was clearly important to bear in mind religious, cultural and intellectual aspects, traditions and the historical context.

3. Yemen had been united through a process of democratization. A new civil society had emerged with a new legislative, executive, political and cultural foundation. Since unification on 22 May 1990, parliamentary elections had been held in 1993 and in 1997, with the participation of all the democratic political parties.

4. In the forthcoming months, Yemen would host a conference of emerging democracies, an event that illustrated his country's commitment to helping the stabilization of democracy in developing countries.

5. Yemen had made great progress in human rights. It currently had 18 political parties and numerous trade unions and federations. There were a number of associations active in defending democracy and human rights.

6. The National Committee for Human Rights, set up in 1998, had conducted seminars on human rights and issued postage stamps commemorating the fiftieth anniversary of the Universal Declaration of Human Rights. A working committee was investigating the disappearances which had taken place during the domestic conflict. Art exhibitions and media events had been organized on the subject of human rights.

7. The medium-term government plan of action for 1998-2000 was designed to promote human rights principles in Yemen, spread the culture of human rights in the population and consolidate the principle that individuals could defend their own rights. The plan of action included holding elections and giving priority to children, compulsory education and the needs of disabled people, as well as setting up governmental and non-governmental human rights advisory bodies to make people more aware of such issues, so that a human rights culture could take root.

8. His Government looked forward to cooperating with the High Commissioner for Human Rights so as to make the most of the assistance offered by her Office in 1999.

9. Human rights problems could not be resolved overnight. Many measures needed to be enacted, and that was why his Government was working to implement all the provisions of the Universal Declaration of Human Rights together with the High Commissioner's proposals.

10. Yemen was still encountering problems in promoting human rights. Economic, structural and administrative reform had had an adverse impact on some economic, social and cultural rights. His Government had introduced a number of economic measures to tackle unemployment and poverty and enhance the participation of women. He appealed to international bodies and non-governmental organizations (NGOs) to assist Yemen in finding solutions to its problems in the areas of employment, education and health.

11. Yemen had been seeking to improve its social security system so as to guarantee everyone's right to health care. His Government had asked for international assistance in funding that effort, which would cost the equivalent of some US$ 200 million.

12. Concerning political problems, his country had recently seen an upsurge of terrorist violence which violated the most fundamental human rights and constituted a danger to peace and security in both Yemen itself and the region generally ...

13. The CHAIRMAN said she regretted to inform the speaker that he had exceeded his allotted time.

14. Mr. BAJAMAL (Republic of Yemen), concluding his statement, said that Yemen fully supported the Commission in its noble efforts to promote human rights.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued) (E/CN.4/1999/2 and 109; E/CN.4/1998/CRP.4)

15. Mr. QIAO Zonghuai (People's Republic of China) said that power politics and political confrontation in international relations were increasingly giving way to dialogue and cooperation. Unfortunately, for many years political confrontation had held sway in the Commission. The time had come, however, to repudiate the cold war mentality and improve the methods of work of the Commission and international cooperation in the field of human rights.

16. It was essential to respect the principle of democratic consultation and oppose any monopoly by a few. Within the United Nations system, democracy meant respect for the rights of each country, whether big or small, strong or weak, rich or poor. The Commission must listen to the views of its member States on every issue, improve transparency in its decision-making and promote the process of reform on the basis of broad-based participation and full consultation.

17. Differences must be resolved through a dialogue between equals and confrontation rejected. It was only natural that different countries should have different views on various aspects of human rights. In the past, politicization of human rights and double standards had considerably compromised the Commission's effectiveness.

18. Equal importance must be attached to both economic, social and cultural rights and civil and political rights. Special attention must be given to putting an end to the practice of ignoring the right to life and to development.

19. It was important to strike a proper balance between universality and particularity and to respect the options chosen by each country to promote and protect human rights. China acknowledged the universality of human rights, but also believed that particularities existed. The 53 States members of the Commission were at different stages of development and were faced with different situations. It was reasonable for the Government and people of each country to determine their human rights priorities according to their own national conditions. Any attempt to impose one set model or one way of doing things or to make unwarranted accusations could only be counterproductive.

20. Ms. KUNADI (India) said that the working methods of the Commission had to be kept under constant review in order to maintain their effectiveness. In that connection, her delegation endorsed the statement by the coordinator of the Asian Group.

21. The good start made at the fifty-fourth session in reforming the organization of the Commission's work must continue. Timely availability of documentation remained a problem. Efforts to reduce the number and length of resolutions must continue. Transparency and full participation in the process of proposing and adopting resolutions must be taken further. The agenda had been considerably rationalized in 1998, and the Commission must explore all possibilities of achieving further improvement without increasing the workload.

22. The Commission must seek ways to improve contributions by NGOs while ensuring that their participation conformed to Economic and Social Council resolution 1996/31 and contributed to the consideration of human rights issues.

23. Additional meetings should be kept to a bare minimum, and the Commission must gradually move towards a shorter session of four weeks, a goal long supported by the Asian Group. Such reforms could be implemented without sacrificing the Commission's basic objectives.

24. Consideration of the report of the Bureau of the fifty-fourth session (E/CN.4/1999/104) was an important issue on the agenda. Her delegation had long supported the need for the Commission to monitor and assess the functioning of its mechanisms at each session, to consider their rationalization wherever required and to provide them with guidance in their work. The Commission's effectiveness depended to a large extent on the relevance, credibility and accountability of its mechanisms.

25. An appropriate, fair and transparent process for the comprehensive consideration of the report of the Bureau must be devised to involve all parties and observer States. Her delegation thought that the report should be considered in a post-sessional open-ended working group.

26. Mrs. BAUTISTA (Philippines) said that, at the fifty-fourth session of the Commission, her delegation had been a sponsor, together with 17 other delegations, of draft resolution E/CN.4/1998/L.2, designed to enhance the effectiveness of the Commission. Although that draft resolution had later been withdrawn in favour of Commission on Human Rights decision 1998/112, it had set in motion the process of reviewing the Commission's mechanisms.

27. Her delegation was pleased that the Bureau of the fifty-fourth session of the Commission had been able to accomplish the task mandated by decision 1998/112 and submit its report and recommendations. It was currently for the Commission to decide on measures that would best enhance the functioning of its mechanisms. An open-ended inter-sessional working group offered the best avenue for a careful and balanced consideration of the Bureau's recommendations and any alternative proposals.

28. In supporting the establishment of an open-ended inter-sessional working group, her delegation did not rule out an in-session discussion of the issues, including the possibility of reaching an agreement on some of the matters raised in the Bureau report. However, it had doubts as to whether a consensus could be reached on a decision during the current session, given the hectic schedule and the plethora of equally important and contentious matters on the agenda.

29. Many small delegations would have difficulty in actively participating in discussions over extended periods without neglecting other issues of specific concern to them. Consequently, even if discussions were held during the current session, an inter-sessional working group would still be needed to continue the work. An early agreement on the need for such a group would thus be desirable to clear the way for more meaningful discussions on real issues.

30. Mr. SUTOYO (Indonesia) said that his delegation endorsed the views expressed by the coordinator of the Asian Group. Serious consideration still needed to be given to managing the Commission's schedule effectively, limiting meetings and maintaining a good atmosphere conducive to consultation and dialogue.

31. It was likewise of paramount importance that the current session should take place in a calm and dignified atmosphere. His delegation did not believe that the Commission should politicize issues by pointing a finger at any particular Member State. It was a well-known fact that the increased politicization of human rights had resulted inter alia from a proliferation of Commission mechanisms which had developed in an unsystematic manner.

32. With that in mind and given the fact that the mechanisms of the Commission were aimed at helping to protect and promote of human rights throughout the world, the need to enhance the effectiveness of those mechanisms was of concern to all Member States; such a process should be conducted in a transparent and realistic manner aimed at achieving consensus. As for the negotiation process of the review mechanisms, his delegation endorsed the statement by the representative of India on behalf of 16 countries, which properly addressed the procedural aspects of the matter.

33. He commended the efforts made by the Bureau of the fifty-fourth session in preparing its report (E/CN.4/1999/104) on the rationalization of the work of the Commission. The Bureau had not, however, had the benefit of comprehensive and substantive discussions; a thorough consideration of its recommendations should therefore be a matter of priority. An open-ended inter-sessional working group should be established without delay to examine the report and all other submissions. Other efforts to build confidence should also be encouraged.

34. Mr. ZAHRAN (Observer for Egypt) said that the human rights instruments should be applied across the board. In that context, he favoured the establishment of an open-ended inter-sessional working group on reforming the Commission machinery; it would enable the Commission to avoid politicization and to adopt draft resolutions by consensus.

35. With regard to the various agenda items, and particularly to item 8, he urged that non-members of the Commission should be given enough time - preferably up to 10 minutes - to express their views on the issues, particularly if a draft resolution was in question. In that connection, he referred to the fact that the secretariat's note on statistics relating to the fifty-fourth session (E/CN.4/1999/109) revealed that the member States had taken up the lion's share of the allocated speaking time: the work of the Commission should be rationalized. He was also concerned that documents were not distributed on time.

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 4) (E/CN.4/1999/3 and Corr.1, -/Add.1 and Corr.1-2, -/Add.2 and E/CN.4/1999/9)

36. Mrs. ROBINSON (United Nations High Commissioner for Human Rights), introducing her annual report (E/CN.4/1999/9), said that the document built on the report submitted to the General Assembly the previous autumn and dealt with some of the pertinent issues on the Commission's agenda. It referred to recent changes in the management of the Office of the High Commissioner for Human Rights (OHCHR) in the areas of structure, financial monitoring and policy planning which had enhanced its capacity to face the human rights challenges of the new century. It also outlined the OHCHR's approach to technical cooperation and the role and activities of human rights field presences.

37. There were two important cross-cutting issues that deserved attention. The previous year, the Commission had focused on the human rights of women and gender-related issues. It had decided to include on its agenda an item on those issues and consider the human rights of women as an important aspect of each agenda item. It was to be hoped that the Commission could continue on the momentum from the fifty-fourth session to deepen its understanding of the human rights of women and make its action to protect those rights more effective.

38. The year 1999 marked the tenth anniversary of the Convention on the Rights of the Child, and in that context, the Chairman of the Commission had said that she intended to focus on the related issues. A number of other

initiatives were planned for 1999, in which all those concerned would be asked to reflect on the Convention and consider what action could be taken to strengthen its implementation.

39. Another important challenge for the fifty-fifth session would be to plan and prepare for the World Conference against Racism and Racial Discrimination. The OHCHR would be working closely with the Commission and the sessional working group on that matter.

40. Each year the importance of the Commission grew as a unique global forum bringing together Governments, NGOs and intergovernmental bodies to discuss essential human rights issues. In response to the growing interest in the Commission, arrangements had been made for its debates to be broadcast live on the Internet. That was the first major conference at Geneva to be broadcast on the World Wide Web, giving people around the world instant access to the Commission and its work.

41. The CHAIRMAN pointed out that the High Commissioner's report was concerned with generic issues, such as trends in the work of her Office, and asked speakers to avoid making statements on subjects not directly related to those issues.

42. Mr. LEGWAILA (Botswana) said that the High Commissioner's task was a particularly arduous one, since she was not only answerable to her masters but had also constantly to remind them of their responsibilities with regard to human rights. The High Commissioner and her staff had not, however, wavered and it was heartening to note that she worked with civil society in pursuing a shared goal.

43. His Government firmly supported the establishment of the two international tribunals for Rwanda and the former Yugoslavia and the adoption of the Rome Statute of the International Criminal Court, which would remind those who committed heinous crimes against humanity that their actions would not go unpunished.

44. His Government took seriously its responsibilities under the Convention on the Rights of the Child. Its national policies had long afforded children adequate health and educational facilities; and national legislation had been put in place before the Convention had been ratified. Child prostitution and the use of children as soldiers were abhorrent practices.

45. Women's rights were another important area of concern. With its history of a paternalistic culture, it had not always been possible for Botswana to avoid the trappings of male domination when developing policies and legislation. Its vibrant democracy had, however, made it possible to agree that all laws hampering the enjoyment of equal rights by women should be removed.

46. As for human rights institutions, civil society had a crucial role to play without undue interference from the Government. Such institutions, making an invaluable contribution to official policy, already existed in Botswana; they and the Government were partners in the promotion and protection of human rights.

47. Ms. KUNADI (India) said that the High Commissioner and her Office constituted the principal means by which United Nations human rights programmes and activities were carried out and should therefore fully reflect the diversity of United Nations membership, reaching out to every region and culture. Similarly, the Commission, as the principal intergovernmental human rights forum, should provide the Office with regular guidance. That was the best means of strengthening the High Commissioner's hand.

48. The report (E/CN.4/1999/9) attached importance to such issues as early warning, monitoring mechanisms and prevention. They were undoubtedly important but the principal task of the Office was to promote human rights through capacity-building, human rights education and vigorous advocacy of a culture of tolerance. That was, moreover, the most cost-effective way for it to carry out its mandate. Duplication with other agencies in areas such as conflict prevention should be avoided.

49. Promotion of the right to development was one of the most important elements of the High Commissioner's mandate. She trusted that the High Commissioner would turn her Office into an effective instrument for the promotion of that right by providing adequate support in terms of staff and resources. The High Commissioner, whose advocacy of the cause of economic, social and cultural rights was particularly welcome, should promote discussions on various aspects of those rights - tasks currently undertaken by the Committee on Economic, Social and Cultural Rights alone - given the continuing bias towards civil and political rights in the Office's activities and programmes.

50. The treaty bodies, which were a most effective human rights mechanism, should also be given more support, if necessary through a redeployment of resources from within the OHCHR budget. It was also a matter of concern that resources for the technical cooperation and advisory services - which were particularly effective ways of promoting human rights - had been steadily declining. The distinction between the Office's technical cooperation and monitoring functions should be clearly maintained.

51. Commission resolution 1997/76 specifically called for an assessment of the effectiveness of field operations but such an assessment had yet to be provided. Moreover, all "monitoring" field operations should gradually be transformed into ones undertaking primarily technical cooperation activities in order to build local capacity.

52. Her Government remained concerned that the procedures by which appointments to the Office were made, especially those to posts funded through voluntary contributions, remained opaque. All vacancies should be widely advertised and made known to all Member States. The multilateral nature of the Office, which risked being compromised, must be preserved. The Office's independence and credibility were also at risk from the sharing of personnel with other agencies. All in all, greater transparency - reflecting a balanced appropriation of resources and staff - was required. Member States should also be informed what proportion of the general budget went to specific programmes.

53. Miss HERNANDEZ QUESADA (Cuba), having deplored the delay in distributing the High Commissioner's report and other documentation, expressed concern at the objectives set out in paragraph 88 of the report (E/CN.4/1999/9). The "Declaration on Human Rights Defenders", was highlighted but there was no mention of the right to development, the importance of which had been stressed by the Vienna Declaration and Programme of Action. To omit any reference thereto was to ignore an important part of human rights development over the past 50 years.

54. Her delegation had also studied with interest the report of the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme (E/CN.4/1999/3). All such groups had been set up by the Commission and should be dependent on it. Yet decisions were being made - regarding the draft United Nations Code of Conduct for Officials other than Secretariat Officials and for Experts on Mission (A/52/488/Add.1) or the revised draft manual for chose participating in the meeting - to which the Member States could make no direct contribution. There was also a risk of confusion between the functions of the thematic procedures and the treaty bodies. The new concept of coordination of the subject of human rights was unacceptable, according to her delegation's understanding of the provisions of the Charter of the United Nations.

55. Her delegation shared the High Commissioner's concern at the tendency for some States to finance specific mandates, leading to the risk of creating rich and poor mandates. The lack of financial and logistical support for mechanisms dealing with economic, social and cultural rights was also a matter of concern.

56. Of still greater concern was the study of the High Commissioner for Human Rights on procedures for ensuring implementation of, and follow-up to, recommendations of special rapporteurs/representatives, experts and working groups (E/CN.4/1999/3/Add.1), which seemed to cast the Commission in a passive role whereby it did nothing more than create a mandate. Nevertheless, it was for the Commission to undertake the task of devising a follow-up procedure, with assistance from the Secretariat and, above all, from the OHCHR, which acted as a human rights nerve centre for the United Nations system. The prime responsibility must, however, remain with the Commission.

57. Mr. LIU Xinsheng (China) said that his delegation appreciated the High Commissioner's appeal for cooperation on human rights among countries rather than unnecessary political confrontation. It was also gratifying that she was attaching greater importance to economic, social and cultural rights and improving the effectiveness of the interior coordination of her Office.

58. There had been several successes also in the field of advisory services and technical cooperation, when countries had been able to put forward cooperation projects in line with their national situations. The seven workshops that had been organized in the Asia-Pacific region, with the assistance of the OHCHR, had been useful in setting up regional technical cooperation arrangements.

59. General Assembly resolution 48/141 had provided the High Commissioner with a basis for engaging in dialogue and cooperation with countries; her Office was a part of the United Nations Secretariat, its major function being to provide service to the Commission and to its member States. The High Commissioner's visit to China in September 1998 had been a success and Chinese officials had participated in a training course in human rights. The first steps had been taken in the direction of cooperation on the basis of equality.

60. When developing field activities, the OHCHR should always seek prior consent from the countries concerned. Activities should never constitute an enlargement of the Office's mandate or interference in the internal affairs of the countries concerned.

61. Although the Office had recently been enlarged, the geographical imbalance in the composition of its staff persisted. More employees from Asia, Africa and Latin America should be recruited.

62. Mr. SKOGMO (Norway) recalled that the High Commissioner's work was based on a mandate given her by the General Assembly. The Commission should refrain from any action that might suggest that it questioned the integrity of that mandate. Secondly, his delegation was painfully aware that the High Commissioner had to implement that mandate on a very small budget. His Government had consistently advocated that more resources should be provided, but it believed that the allocation and use of such resources should continue to be governed by the General Assembly and not be subject to detailed discussion by the Commission.

63. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that international cooperation - one of the main contributions of the Vienna Declaration and Programme of Action - was of the utmost relevance to the current needs of the international community. Commission resolution 1998/81 had reaffirmed the importance of ensuring the universality, objectivity and non-selectivity of consideration of human rights issues. Both the General Assembly and the Commission had recently seen an unprecedented number of consensus resolutions; but the situation was still unsatisfactory: some actions remained politically motivated, while others fell victim to expediency.

64. As for the issue of cooperation between the special procedures and the High Commissioner, his delegation believed that the creation of new mandates and mechanisms should be avoided. The Member States and the Office of Legal Affairs should be involved in the process of preparing the draft Code of Conduct and revised draft manual thus enriching their texts. The mandates of the special procedures should also be reviewed to avoid overlapping. Lastly, he commended the efforts of the High Commissioner and the Secretariat in preparing and convening in 1998 the seminar entitled "Enriching the universality of human rights: Islamic perspectives on the Universal Declaration of Human Rights", which had been a contribution to a better understanding between the various historical, cultural and religious traditions. It was a valuable first step towards a wider dialogue.

65. Mr. van der HEIJDEN (Observer for the Netherlands) said that, since the High Commissioner's mandate was based on General Assembly resolution 48/141, it was not the Commission's task to pursue every detail of her work but only to give general guidance. His delegation welcomed the fact that the senior staff structure of the Office was in place and urged the High Commissioner to contribute - personally, if possible - not only to the various human rights committees but also to those relating to development, conflict prevention, peacemaking, peace-keeping and peace-building.

66. The principal responsibility for the protection of human rights lay with national Governments. In theory, therefore, the Commission could act as a forum for encouraging action and monitoring progress on achievements in the field of human rights. It was, however, discouraging that, within the Commission, the human rights rhetoric increased with every year but the political will to care for those suffering human rights violations seemed to decrease commensurately.

67. Ms. GLOVER (United Kingdom) endorsed the statements made by the representative of Norway and the observer for the Netherlands, and commended the High Commissioner on her report. Given the fullness of the report, however, it was somewhat disappointing that more expressions of support for the work done by the High Commissioner and her Office around the world had not been forthcoming. She was pleased to note the emphasis placed in the report on the interrelationship between economic, social and cultural rights and civil and political rights, and on the universality and indivisibility of human rights.

68. Mr. DOLGOBORODOV (Russian Federation) said that the ideals and principles of the Universal Declaration of Human Rights and other human rights instruments had taken on new significance in the Vienna Declaration and Programme of Action. However, despite a number of positive developments, the international community had yet to deal successfully with human rights violations in armed conflicts, executions and torture, ethnic cleansing, extreme poverty and the underlying causes of mass exoduses.

69. It was obvious that the goals of the Declaration and Programme of Action could be achieved only with the full participation of the entire United Nations system. As the High Commissioner had noted in her most recent report to the General Assembly, placing human rights at the centre of United Nations activities was the unifying factor that could bind the work of the United Nations system. Accordingly, the High Commissioner should continue to strengthen the coordination of all activities within the system for the promotion and protection of human rights and should participate in the work of the executive organs in the four main areas of United Nations activities.

70. Another important aspect of the follow-up to the World Conference was improving, strengthening and rationalizing the work of the Organization's own human rights machinery. It was to be hoped that, during the current session, action could be taken on the recommendations made by the Bureau of the Commission's fifty-fourth session (E/CN.4/1999/104). Some interesting, though perhaps controversial, proposals could also be found in the report of the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and

of the advisory services programme (E/CN.4/1999/3). While his delegation considered exchanges of views between special procedural bodies and treaty bodies to be useful, such joint activities must respect the mandates of each of the bodies concerned.

71. Although the session had just begun, a number of speakers, including the High Commissioner herself, had already touched on questions of human rights violations. His delegation endorsed the conclusion in the High Commissioner's report (E/CN.4/1999/9) that many of the most serious violations of human rights were foreseeable, and that effective international preventive action might have saved many thousands of lives. Any discussion of preventive measures should focus not only on conflict situations but, more broadly, on preventing violations of the whole range of human rights. That approach was the one most consistent with the Vienna Declaration and Programme of Action.

72. Mr. GARANG de MABIOR (Christian Solidarity International), having expressed his gratitude to Christian Solidarity International for allowing him to speak on behalf of the marginalized and persecuted people of the Sudan, said ...

73. Mr. IBRAHIM (Sudan), speaking on a point of order, asked whether it was permissible for a notorious rebel, who had been waging civil war against the Sudanese Government for 16 years, to address the Commission, particularly when, earlier in the day, he had introduced himself publicly as the Chairman of the Sudan Peoples' Liberation Movement.

74. The CHAIRMAN said that, according to Economic and Social Council resolution 1996/31, any NGO having a duly recognized consultative status with the Council was entitled to address the Commission. The speaker in question had been duly accredited by Christian Solidarity International and was therefore entitled to take the floor.

75. Mr. IBRAHIM (Sudan) said that he wished to appeal against the Chairman's ruling under rule 42 of the rules of procedure, which stated that such an appeal should be immediately put to the vote. He requested that the vote on his appeal should be taken by roll-call.

76. Mr. FERNÁNDEZ PALACIOS (Cuba) said that a roll-call vote would hold up the work of the Commission, which had only just begun. He urged that discussion of the matter should be postponed to allow delegations to consult on the subject of the participation of NGOs.

77. Mr. LABBÉ (Chile) said that NGOs made a vital contribution in the area of human rights, and their right to address the Commission had been acknowledged. Any attempt to invoke rules of procedure with a view to preventing an NGO from exercising its right to participate in the work of the Commission should be dealt with expeditiously.

78. Mr. H.K. SINGH (India) recalled that the position of the Group of Asian States regarding the participation of NGOs in the work of the Commission had been explained at the previous meeting.

79. Mr. AKRAM (Pakistan) proposed that the meeting should be suspended briefly so that delegations could consult on the matter.

The meeting was suspended at 4.55 p.m. and resumed at 5.05 p.m.

80. The CHAIRMAN said that, during the suspension, the representative of the Sudan had agreed to withdraw his appeal against her ruling and his request for a roll-call vote. She invited the representative of Christian Solidarity International to resume his statement.

81. Mr. GARANG de MABIOR (Christian Solidarity International) said that the genocidal character of the war waged by the current regime in Khartoum had been well documented by individuals and by organizations ...

82. The CHAIRMAN said that, although she wished to uphold the rights of NGOs to address the Commission, the statement being made by the representative of Christian Solidarity International was not germane to the agenda item under consideration. She would therefore give the floor to the next speaker on her list.

83. Mr. LITTMAN (Association for World Education) said that the efforts made by the United Nations over the years in the area of human rights were seriously threatened by the attempts of certain States to revise the universally recognized code of human rights that was embodied in the Universal Declaration of Human Rights. In that connection he drew attention to a seminar that had been jointly sponsored in November 1998 by the OHCHR and the Organization of the Islamic Conference (OIC) on the theme of "Islamic Perspectives on the Universal Declaration of Human Rights". While the seminar which had focused on the Shariah, had been intended to promote understanding and respect among peoples, it raised the question of whether an intellectual analysis of theologically inspired legal traditions could be used for political purposes. The issue was of particular relevance if the intent was to weaken the provisions of the Universal Declaration or to exempt certain States from its provisions.

84. While debates on the nature of Shariah law could be of genuine intellectual interest, they were not relevant to the Universal Declaration of Human Rights or to intergovernmental decisions based on that instrument. The same was true of the sacred texts of any other religious or ethnic group. It was precisely because the Declaration was universal that it constituted a common base for relations between people of different nations and cultures.

85. Human dignity could be properly affirmed and protected only within a framework of interrelated democratic norms, principles and institutions. He therefore sought reassurance that the commitment to protecting human values which had begun in 1948 with the Declaration was not affected by challenges from any State or group of States within the United Nations or elsewhere. He also called upon the High Commissioner and the Commission to express their support for the concept of the universality of human rights.

86. Mr. NARANG (Indian Council of Education) said that the precise relationship between the Commission and the High Commissioner for Human Rights was not yet clear. Concerns about the role of the High Commissioner vis-à-vis the Commission needed to be resolved at the earliest opportunity.

87. The World Conference on Human Rights had recognized that increased international cooperation was vital to the creation of conditions in which full respect for the dignity of all human beings was ensured, but not much had been seen of such cooperation. It had been clearly accepted at the World Conference that the right to development was as important and universal as civil and political rights, but the international community, especially the developed industrial countries, had made little contribution to the implementation of that right.

88. The international community also turned a blind eye to various threats to democracy. Terrorist and fundamentalist groups were threatening democratic elections, with the support and help of foreign countries, and so far there was no organized way of dealing with such a situation. Individual powerful countries made their own decisions about terrorism, and took action against other countries, purely according to their own needs and designs.

89. Mr. WAREHAM (International Association Against Torture) said that his organization had for some time been advocating the appointment of a special rapporteur on racism and the conveneing of a World Conference on racism and racial discrimination, xenophobia and related intolerance. He had been surprised, therefore, to read in the High Commissioner's report (E/CN.4/1999/9) that the preparations for the World Conference, and the Conference itself, were a priority of her Office and that it intended to play a catalytic role in bringing together the activities of the United Nations and its specialized agencies in preparing for the Conference since he had been unaware that it was a priority and had not noticed that the Office was acting as a catalyst. The working group of the Commission - not a preparatory committee it would be noted - had been allocated insufficient time to prepare for a World Conference that was to be held within two years.

90. The High Commissioner should make the World Conference a reality by launching an immediate publicity campaign on a worldwide basis. In addition to the voluntary trust fund, resources should be allocated from the regular budget and the Secretary-General should make it clear that the World Conference was a genuine priority of the United Nations. Funds should be solicited in particular from the transnational corporations whose practices and policies secured financial benefits from racism and served to propagate and continue it.

91. Mr. GONZALEZ (International Indian Treaty Council) said his organization strongly condemned the rejection by the Government of Guatemala of the recommendation of the Commission for Historical Clarification that the Agreement on Identity and Rights of Indigenous Peoples be implemented in its entirety.

92. The CHAIRMAN said that the speaker was out of order, since the agenda item under consideration did not allow for a detailed treatment of specific country situations.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 5) (E/CN.4/1999/10 and 11; E/CN.4/1999/NGO/32, 58 and 59)

93. Mr. ZAKI (Pakistan) said that exercise of the right to self-determination had unfortunately remained incomplete in the Indian sub-continent in 1947, because the people of Jammu and Kashmir had been prevented from exercising their right to join the new State of Pakistan. Security Council resolutions in 1948 and 1950 had determined that the final disposition of the State of Jammu and Kashmir would be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under United Nations auspices, a solution that had been approved by the Indian Government of the time

94. Subsequently, however, India had resiled from its commitment and the Kashmir dispute had remained a festering sore in South Asia, leading to three wars between India and Pakistan. Numerous bilateral attempts to resolve the conflict had been fruitless and, since January 1990, the Kashmiris had been conducting a resistance campaign against Indian occupation and repression. During that period there had been confirmation from many sources of human rights violations in Indian-held Kashmir.

95. Immediately after assuming office in 1997, the Prime Minister of Pakistan, Mr. Nawaz Sharif, had taken the bold step of seeking a resumption of the dialogue with India on Kashmir and other issues. After an initial hesitation, the Indian Government had responded and, in September 1998, the two Prime Ministers had agreed to resume negotiations on the basis of an eight-point agenda which included consideration of the Kashmir and security issues.

96. In February 1999, they had signed a declaration at Lahore that the two Governments would intensify their efforts to resolve all issues, including that of Jammu and Kashmir. Since then the two Foreign Ministers had met and agreed to carry forward the process of improving bilateral relations. In talks to be held in the latter half of April 1999, Pakistan would propose that the issue of Jammu and Kashmir be addressed in a serious and meaningful manner consistent with the international commitment to the exercise by the Kashmiri people of their right to self-determination.

97. Progress towards a solution of the Kashmir issue and the normalization of bilateral relations could not be expected, however, so long as the Indian forces in Kashmir continued their brutal routine of repression. It was therefore essential as a first step that the situation in Indian-held Kashmir be "humanized". To that end, India should release all Kashmiri leaders in detention, allow Kashmiri leaders their right to travel outside the country, allow humanitarian assistance to the suffering people of Kashmir, withdraw its army of occupation and fulfil its promise to hold a free and fair plebiscite under United Nations auspices.

98. Mr. IDRIS (Sudan), referring to the fact that a number of United Nations resolutions affirmed the right of the Palestinian people to self-determination, including the right to have an independent state of their

own, said that those resolutions required the withdrawal of Israel from all occupied Palestinian territory, including East Jerusalem, and from the other Arab territories occupied since 1967.

99. Mr. CHOWDHURY (Bangladesh) said that to deny any nation the right to self-determination was to do violence to fundamental human values. Throughout history, the Palestinians had been a people and a nation, but they were still being denied the basic right to self-determination. Their lamentable plight was well known, and its key cause was the act of occupation. If such a gross injustice were allowed to continue, it would be a sad commentary on the times and a serious challenge to the credibility of the Commission. Bangladesh had always endorsed the call for a separate state for the Palestinian people in their homeland, on the basis of the simple idea that every human being must be allowed a life of dignity in freedom and the enjoyment of the full spectrum of civic choices.

100. Mr. RAMLAWI (Observer for Palestine) said that over a period of more than 30 years, the Commission had been calling on the Government of Israel to withdraw from Palestinian territory. As its many resolutions made clear, Israel's military occupation was the serious obstacle hindering the Palestinian people's exercise of their right to self-determination. The Commission had even stated that the achievement of a just, permanent and comprehensive peace in the Middle East region was organically and fundamentally linked to the exercise of that right.

101. Israel's military occupation of Palestinian territory not only hindered the exercise by the Palestinian people of their right to self-determination but also constituted a grave and constant breach of the provisions of Articles 1 and 55 of the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, not to mention resolutions of the Commission, the General Assembly and the Security Council.

102. Israel's disregard for the peace process fell within the framework of its overall disregard for international legitimacy and its refusal to abide by its international commitments. Israel's concept of peace was based on the usurpation of others' land, the confiscation of the Palestinian people's rights and of security for Israel rather than peace for all the peoples of the region.

103. Mr. SAAD (Observer for Iraq) said that his country was being subjected to large-scale violations of its sovereignty, independence and self-determination by two permanent members of the Security Council, namely, the United States of America and the United Kingdom, which had imposed, and subsequently enlarged no-fly zones in northern and southern Iraq. That was a unilateral and illegitimate action unconnected with the Security Council resolutions relating to Iraq.

104. The United States of America had sent land forces into northern Iraq in 1991, and had launched missile attacks in 1992, 1993 and 1996, which had caused great material and human losses. The United States and the United Kingdom had committed a military aggression against Iraq in December 1998, killing hundreds of citizens and destroying the country's

industrial, defence and security base without any legal justification. They had committed a further military aggression in January 1999 against the city of Basra, killing 17 people and wounding more than a hundred.

105. The United States Government had allocated US$ 97 million to finance and train mercenaries and to finance a radio station in Prague beaming broadcasts to Iraq in an endeavour to change its Government. The United States and the United Kingdom were continuing spying missions in Iraqi airspace on the pretext of protecting the no-fly zones, and were continuing to impose an economic embargo notwithstanding Iraq's fulfilment of its obligations under the relevant Security Council resolutions.

106. The military aggression, the imposition of no-fly zones and the declaration by the United States Government of its plans to change the Government of Iraq represented a flagrant violation of the Charter of the United Nations, international legitimacy, the principles of human rights, the principles of sovereign equality, political independence and territorial integrity of States, and the non-use of force or threat of force in international relations, as well as the self-determination of peoples. Iraq called upon the Commission to demand that the United States of America and the United Kingdom desist from the activities they were undertaking against Iraq and its people.

107. Mr. SOUALEM (Observer for Algeria) said that the fate of the Palestinian people was one of the most striking examples of the denial of the right to self-determination. The attitude of the Israeli authorities, was the main factor blocking a peace process which had been welcomed and supported by the international community as a whole. Even more serious was the fact that the Israeli administration had embarked upon a series of measures to create new settlements, seal off territories, demolish Palestinian homes and threaten new annexations of territory.

108. The hopes raised by the Accords of October 1998 had foundered in the face of Israel's intransigence and repeated repudiation of its commitments under the pretext of unjustified security considerations. Israel's security could not be guaranteed at the expense of the rights of the other peoples of the region; it was indissociable from the security of the region as a whole. The General Assembly and the Commission itself had every year called upon Israel to meet its obligations under the Charter of the United Nations and the principles of international law and to withdraw from the occupied Palestinian territory, including Jerusalem.

109. The United Nations had undertaken to hold a referendum on self-determination in Western Sahara by the end of 1999 and, despite a number of difficulties, there were grounds for hoping that the operation would be resumed smoothly. Enabling the people of Western Sahara to exercise their right to self-determination would be an extremely positive development for the consolidation of peace, security and stability in the region as a whole.

The meeting rose at 6 p.m.